

1 GEOFFREY HANSEN  
Acting Federal Public Defender  
2 MANUEL U. ARAUJO  
Assistant Federal Public Defender  
3 160 West Santa Clara Street, Suite 575  
San Jose, CA 95113  
4 Telephone: (408) 291-7753  
5 Counsel for Defendant RODRIGUEZ-CHAVEZ

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR 11-00228 LHK
	)	
12 Plaintiff,	)	<b>STIPULATION AND <del>[PROPOSED]</del></b>
	)	<b>ORDER CONTINUING HEARING</b>
13 v.	)	<b>DATE AND EXCLUDING TIME</b>
	)	<b>UNDER THE SPEEDY TRIAL ACT</b>
14 FAUSTO RAMON RODRIGUEZ-	)	
CHAVEZ,	)	
15	)	
Defendant.	)	
16	)	

17 Defendant and the government, through their respective counsel, subject to the court's  
18 approval, hereby stipulate that the Court continue the status hearing in the above-captioned  
19 matter, presently scheduled for, April 4, 2012 at 9:00 a.m., to April 18, 2012, at  
20 9:00 a.m. The reason for the continuance is defense counsel's is continuing to investigate  
21 mitigating evidence which must be reviewed by the prosecution in connection with plea  
22 negotiations.

23 The parties further agree and stipulate that time should be excluded from and including  
24 April 4, 2012 , through and including April 18, 2012, to provide counsel reasonable time to  
25 prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv). Accordingly,  
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1 the United States and the defendant agree that granting the requested exclusion of time will serve  
2 the interest of justice and outweigh the interest of the public and defendant in a speedy trial.

3 IT IS SO STIPULATED.

4 Dated: March 30, 2012

5 \_\_\_\_\_/s/  
MANUEL ARAUJO  
Assistant Federal Public Defender

6 Dated: March 30, 2012

7 \_\_\_\_\_/s/  
ANN MARIE URSINI  
Special, Assistant United States Attorney

8  
9 ~~PROPOSED~~ ORDER

10 GOOD CAUSE APPEARING, and by stipulation of the parties, IT IS HEREBY  
11 ORDERED that the status conference hearing in the above-captioned matter shall be continued  
12 from April 4, 2012, at 9:00 a.m., to April 18, 2012, at 9:00 a.m.

13 THE COURT FINDS that failing to exclude the time between April 4, 2012 , through and  
14 including April 18, 2012, ~~would unreasonably deny the defendant's continuity of counsel, and~~ *LHK*  
15 would unreasonably deny counsel the reasonable time necessary for effective preparation, taking  
16 into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

17 THE COURT FURTHER FINDS that the ends of justice served by excluding the time  
18 between April 4, 2012 , through and including April 18, 2012, from computation under the  
19 Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

20 THEREFORE, IT IS HEREBY ORDERED that the period of delay from April 4, 2012 ,  
21 through and including April 18, 2012, is excluded for purposes of Speedy Trial Act computations  
22 pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

23 IT IS SO ORDERED.

24 Dated: 4/2, 2012

25 *Lucy H. Koh*  
HONORABLE LUCY H. KOH  
United States District Judge